

AGENDA ITEM #33
May 25, 2006

Introduction

MEMORANDUM

May 22, 2006

TO: County Council

FROM: Jeff Zyontz, Council Analyst

SUBJECT: Introduction – Zoning Text Amendment 06-17, Accessibility Improvements - Exemption

Zoning Text Amendment (ZTA) 06-17 is being introduced at the request of the County Executive. The purpose of the ZTA is to allow for accessibility features that make a home more accessible to people with mobility disabilities. The ZTA proposes a new definition for accessibility improvements to one-family dwellings. The amendment would then exempt those improvements from setback or lot coverage limitations, if the improvement does not exceed minimum design specifications. Relief from zoning standards for accessibility improvements is recommended by the County's Commission on People with Disabilities. The recommendations of the Screening Committee have been incorporated in text of the ZTA.

A public hearing on ZTA 06-17 is scheduled for July 11, 2006.

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Zoning Text Amendment No: 06-17
Concerning: Accessibility improvement
exemption
Draft No. & Date: 1 – 5/18/06
Introduced: May 26, 2006
Public Hearing: 7/11/06; 1:30 PM
Adopted:
Effective:
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: County Executive

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- defining accessibility improvements;
- exempting minimum accessibility improvements from setback and lot coverage limits; and
- generally amending exemptions from standards for accessibility improvement.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-A-2 “DEFINITIONS AND INTERPRETATION”
Section 59-A-2.1 “Definitions”

Add a new DIVISION

DIVISION 59-B-7 “EXEMPTIONS FOR ACCESSIBILITY
IMPROVEMENTS”

EXPLANATION: ***Boldface** indicates a heading or a defined term.*
*Underlining indicates text that is added to existing laws
by the original text amendment.*
*[Single boldface brackets] indicate text that is deleted from
existing law by the original text amendment.*
*Double underlining indicates text that is added to the text
amendment by amendment.*
*[[Double boldface brackets]] indicate text that is deleted
from the text amendment by amendment.*
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. DIVISION 59-A-2 is amended as follows:**

2 **DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.**

3 **59-A-2.1. Definitions.**

4 In this Chapter, the following words and phrases have the meaning indicated:

5 * * *

6 **Accessibility Improvement:** An unroofed and open structure, including a ramp
7 and chairlift that: (1) allows a person with a physical disability access to a one-
8 family dwelling; and (2) is exterior to the one-family dwelling.

9 * * *

10 **Sec. 2. DIVISION 59-B-7 is added as follows:**

11 **DIVISION 59-B-7. EXEMPTIONS FOR ACCESSIBILITY**
12 **IMPROVEMENTS.**

13 **59-B-7.1. Accessibility Improvement.**

14 An accessibility improvement is not subject to setback, or lot coverage limitations
15 if the size of the accessibility improvement does not exceed the minimum design
16 specifications in the Maryland Accessibility Code and Montgomery County
17 Building Code.

18 **Sec. 2. Effective date.** This ordinance takes effect 20 days after the date of
19 Council adoption.

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21 This is a correct copy of Council action.

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25 _____
26 Linda M. Lauer, Clerk of the Council

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Resolution No:
Introduced: May 25, 2006
Adopted:

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND

By: District Council

Subject: Notice of Public Hearing on Zoning Text Amendment 06-17

Background

1. Section 59-H-9.3 of the Montgomery County Ordinance requires that, within thirty days of introduction of any text amendment, the Council act by resolution to set a date and time for public hearing on the proposed amendment.
2. Zoning Text Amendment No. 06-17, which would amend the Zoning Ordinance to add the definition of "accessibility improvement"; allow accessibility improvements to exceed setback, lot coverage or height limitations; and generally amend standards for an accessibility improvement, was introduced on May 25, 2006.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following resolution:

Legal notice will be given of the public hearing to be held on July 11, 2006 at 1:30 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, for the purpose of giving the public an opportunity to comment on the proposed amendment.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

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